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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,536	10/29/1999	RENE LEERMAKERS	PHA-23.819	7444

7590

01/29/2003

C/O US PHILIPS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
580 WHITE PLAINS ROAD  
TARRYTOWN, NY 10591

EXAMINER

HO, CHUONG T

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**Application No.  
**09/430,536**Applicant(s)  
**Rene Lermakers**Examiner  
**Ho**Art Unit  
**2664**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jan 14, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☒ The period for reply expires three months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment

3. ☐ Applicant's reply has overcome the following rejection(s):

4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because:

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1-31

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

10. ☐ Other:

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1. The new limitations “a two-way communications link between the server system and each of the multiplicity of multiple clients, wherein the two-way communications link includes a forward channel over which the respective portable client can transmit client data to the server system, and a return channel over which the server system can transmit data to the respective portable client; wherein said two-way communications link is adapted to retransmit predetermined portions of lost/corrupted software application data that has been broadcast by said broadcast system, with a request for retransmission of missing/corrupted data is transmitted over the forward channel and retransmission of the missing / corrupted data is transmitted over the return channel (claim 1, page 2, lines 7-16)) request new search, new consideration.

2. The new limitations “a modem for establishing a two-way communications link with a network control system, wherein the two-way communications link includes a forward channel over which the portable data communications device can transmit client data to the network control system, and a return channel over which the network control system can transmit data to the portable communication device; wherein said two-way communications link is adapted to retransmit predetermined portions of lost/corrupted software application data that has been broadcast by said network control system, with a request for retransmission of missing/corrupted data is transmitted over the forward channel and retransmission of the missing/corrupted data is transmitted over the return channel” (claim 21, page 3, lines 6-15) request new search, new consideration.

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3. The new limitations “ wherein the server system receives a request for broadcasting the software applications by the portable clients over communication channels separate from the broadcast system; and wherein request for retransmission of missing/corrupted software application data is made by at least of the portable clients over the communication channels separate from the broadcast system, and a retransmission of the missing/corrupted software application data is made over the communication channels separate from the broadcast system” (claim 31, page 4, lines 14-21) request new search, new consideration.

4. Any inquiry concerning this communication or earlier communications from the examiner should be direct to Chuong Ho whose telephone number is (703)306-4529. The examiner can normally be reached on Monday-Friday from 9 am to 3 pm.

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be direct to the group receptionist whose telephone number is (703)305-9000.

CH

Date 01-21-03



WELLINGTON CHIN  
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